

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 16231 of 2007

Date:31.07.2007

Between:

R.Naga Raju Naik

.... PETITIONER

AND

A.P.Central Power Distribution Company Ltd.,
rep. by its Chairman & Managing Director,
Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.16231 of 2007

Order:

Questioning the action of the 3rd respondent in rejecting the claim of the petitioner for appointment to the post of Junior Lineman on yearly contract basis, vide letter dated 07.07.2007, the present writ petition is filed.

2. The petitioner, who is working as contract labour in the respondent-APCPDCL, applied for the posts of Contract Junior Linemen on yearly contract basis in response to the notification issued by the respondent-APCPDCL. He states that when the respondent-APCPDCL did not issue call letters to him, he filed W.P.No.11347 of 2007, and the same was disposed of by a order dated 4.6.2007 directing the respondents to verify the eligibility of the petitioners therein and if they are found eligible permit them to attend the interview along with other candidates. Pursuant to the said interim directions, the respondent-APCPDCL permitted the petitioner to participate in the selection process and pole-climbing test. The grievance of the petitioner is that though he is having requisite qualification and experience, and performed well in the tests conducted by the respondents, the respondents have not selected him, and the action of the respondent-APCPDCL in rejecting his claim for appointment to the post of Junior Lineman

on yearly contract basis on the ground that he is not existing contract labour, vide impugned letter, is illegal and arbitrary. Hence, the petitioner filed the present writ petition.

3. The learned counsel for the petitioner submitted that out of 204 vacancies of Junior Lineman, so far 160 posts have been filled up, and still there are 44 more vacancies existing as on today, and the respondents are proceeding to fill up those vacancies also. He further submitted that the petitioner is entitled for consideration for appointment in those existing vacancies as fresh candidate and the respondents may be directed to appoint the petitioner as Junior Lineman in the said existing vacancies.

4. On the other hand learned Standing Counsel for the respondent-APCPDCL submits that since the regular selection process of existing contract labour is not yet completed, the respondents cannot consider the case of the petitioner.

5. As per the Notification dated 07.06.2006, and the revised notification dated 20.10.2006, if the existing contract labours and fresh candidates apply, the pole climbing test will be conducted at the first instance to the existing contract labour, and after filling up the vacancies by the existing contract labour, if any vacancies remain unfilled, the same will be offered to the fresh candidates as per the marks obtained by them in the qualifying examination. In this case, the petitioner is not existing contract labour, so, his claim for appointment to the post of Junior Lineman on yearly contract basis, has to be considered as fresh candidate only after exhaustion of the existing contract labour. Even though the petitioner was subjected to pole climbing test, his case for

appointment was rejected as he is not existing contract labour. Now the contention of the petitioner is that still there are vacancies and the respondents are taking steps to fill up those vacancies.

6. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions:

If any vacancies remained unfilled after exhausting the existing contract labour, as provided by the notification, the respondent-APCPDCL is directed to consider the case of the petitioner for appointment as Contract Junior Linemen in the vacancies that remained unfilled, duly following the rule of reservation, if he is otherwise qualified.

With the above direction, the Writ Petition is disposed of.
No costs.

N.V. RAMANA, J.

Dated:31.07.2007.
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